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**Introduced by Senator Knight**

January 13, 1997

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An act to amend Section 12050 of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST

SB 142, as introduced, Knight. Weapons: concealable weapons licenses.

Existing law authorizes the sheriff of a county or the chief or other head of a municipal police department to issue a license to carry a pistol, revolver, or other concealable firearm, upon proof that the applicant is of good moral character, that good cause exists, and that the applicant is a resident of the county.

This bill would define "good cause" and require the licensing authority to deal fairly and in good faith with an applicant for a license.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12050 of the Penal Code is  
2 amended to read:  
3 12050. (a) (1) The sheriff of a county or the chief or  
4 other head of a municipal police department of any city  
5 or city and county, upon proof that the person applying  
6 is of good moral character, that good cause exists for the  
7 issuance, and that the person applying is a resident of the

1 county, may issue to that person a license to carry a pistol,  
2 revolver, or other firearm capable of being concealed  
3 upon the person in either one of the following formats:

4 (A) A license to carry concealed a pistol, revolver, or  
5 other firearm capable of being concealed upon the  
6 person.

7 (B) Where the population of the county is less than  
8 200,000 persons according to the most recent federal  
9 decennial census, a license to carry loaded and exposed  
10 in that county a pistol, revolver, or other firearm capable  
11 of being concealed upon the person.

12 (2) A license issued pursuant to this section is valid for  
13 any period of time not to exceed one year from the date  
14 of the license, or in the case of a peace officer appointed  
15 pursuant to Section 830.6, three years from the date of the  
16 license.

17 (b) A license may include any reasonable restrictions  
18 or conditions which the issuing authority deems  
19 warranted, including restrictions as to the time, place,  
20 manner, and circumstances under which the person may  
21 carry a pistol, revolver, or other firearm capable of being  
22 concealed upon the person.

23 (c) Any restrictions imposed pursuant to subdivision  
24 (b) shall be indicated on any license issued.

25 (d) A license shall not be issued if the Department of  
26 Justice determines that the person is within a prohibited  
27 class described in Section 12021 or 12021.1 of this code or  
28 Section 8100 or 8103 of the Welfare and Institutions Code.

29 (e) (1) The license shall be revoked by the local  
30 licensing authority if at any time either the local licensing  
31 authority is notified by the Department of Justice that a  
32 licensee is within a prohibited class described in Section  
33 12021 or 12021.1 of this code or Section 8100 or 8103 of the  
34 Welfare and Institutions Code, or the local licensing  
35 authority determines that the person is within a  
36 prohibited class described in Section 12021 or 12021.1 of  
37 the code or Section 8100 or 8103 of the Welfare and  
38 Institutions Code.

39 (2) If at any time the Department of Justice  
40 determines that a licensee is within a prohibited class

1 described in Section 12021 or 12021.1 of this code or  
2 Section 8100 or 8103 of the Welfare and Institutions Code,  
3 the department shall immediately notify the local  
4 licensing authority of the determination.

5 (3) If the local licensing authority revokes the license,  
6 the Department of Justice shall be notified of the  
7 revocation pursuant to Section 12053. The licensee shall  
8 also be immediately notified of the revocation in writing.

9 (f) (1) A person issued a license pursuant to this  
10 section may apply to the licensing authority for an  
11 amendment to the license to do one or more of the  
12 following:

13 (A) Add or delete authority to carry a particular pistol,  
14 revolver, or other firearm capable of being concealed  
15 upon the person.

16 (B) Authorize the licensee to carry concealed a pistol,  
17 revolver, or other firearm capable of being concealed  
18 upon the person.

19 (C) If the population of the county is less than 200,000  
20 persons according to the most recent federal decennial  
21 census, authorize the licensee to carry loaded and  
22 exposed in that county a pistol, revolver, or other firearm  
23 capable of being concealed upon the person.

24 (D) Change any restrictions or conditions on the  
25 license, including restrictions as to the time, place,  
26 manner, and circumstances under which the person may  
27 carry a pistol, revolver, or other firearm capable of being  
28 concealed upon the person.

29 (2) When the licensee changes his or her address, the  
30 license shall be amended to reflect the new address and  
31 a new license shall be issued pursuant to paragraph (3).

32 (3) If the licensing authority amends the license, a new  
33 license shall be issued to the licensee reflecting the  
34 amendments.

35 (4) The licensee shall notify the licensing authority in  
36 writing within 10 days of any change in the licensee's  
37 place of residence. If the license is one to carry concealed  
38 a pistol, revolver, or other firearm capable of being  
39 concealed upon the person, then it may not be revoked  
40 solely because the licensee changes his or her place of

1 residence to another county if the licensee has not  
2 breached any conditions or restrictions set forth in the  
3 license or has not fallen into a prohibited class described  
4 in Section 12021 or 12021.1 of this code or Section 8100 or  
5 8103 of the Welfare and Institutions Code. If the license  
6 is one to carry loaded and exposed a pistol, revolver, or  
7 other firearm capable of being concealed upon the  
8 person, the license shall be revoked immediately if the  
9 licensee changes his or her place of residence to another  
10 county.

11 (5) An amendment to the license does not extend the  
12 original expiration date of the license and the license shall  
13 be subject to renewal at the same time as if the license had  
14 not been amended.

15 (6) An application to amend a license does not  
16 constitute an application for renewal of the license.

17 (g) *As used in subdivision (a), “good cause” requires*  
18 *the existence of an honest and fair reason for the issuance*  
19 *of the license. Likewise, an applicant shall be denied a*  
20 *license only for an honest and fair reason.*

21 (h) *The licensing authority shall deal fairly and in good*  
22 *faith with an applicant for a license to be issued pursuant*  
23 *to this section.*

